

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 4/28/16

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 OSCAR RAMIREZ, JAVIER GUERRERO, :
 GERONIMO HERCULANO, PABLO RUTILIO, :
 MAGGIE ANDRES CRECENCIO, GUILLERMO :
 ALVAREZ, JUANA CRUZ HERNANDEZ, :
 LEONIDAS MATEO, ANYELI OVALLES :
 HERNANDEZ, MIRNA REYES MARTINEZ, :
 RAMON ROSARIO, OMAR TAVERAS, LUIS :
 ESPINAL, JUAN SALMERON, ERASMO DIAZ :
 JULIO RODRIGUEZ, JACINTO VICTORIANA :
 DE OLEO, FRANCISCA PENA, and SIMON :
 GRULLON, :

13-CV-7249 (VEC)

14-CV-4030 (VEC)

Plaintiffs, :

-against- :

M L RESTAURANT, CORP.; M.L. SAN JOSE :
 ENTERPRISES, CORP., d/b/a Liberato :
 Restaurant; and ANTONIO MANUEL :
 LIBERATO, jointly and severally, :

Defendants. :

ORDER

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 MANUEL ANTONIO LIBERATO, M L :
 RESTAURANT CORP., M.L. SAN JOSE :
 ENTERPRISES, CORP., d/b/a Liberato :
 Restaurant, NELSON GOMEZ, SARAH :
 VALLEJO, and RAMIRES BETANCES, :

Plaintiffs, :

15-CV-326 (VEC)

-against- :

LAUNDRY WORKERS CENTER UNITED, :
 VIRGILIO OSCAR ARAN, ROSANNA :
 RODRÍGUEZ ARAN, MAHOMA LOPEZ :
 GARFIAS, OSCAR RAMIREZ, PABLO :
 RUTILIO, and MAGGIE ANDRES :
 CRECENCIO, :

Defendants. :

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VALERIE CAPRONI, United States District Judge:

WHEREAS Plaintiffs filed an affirmation to show cause why, given Plaintiffs' two month plus delay in complying with Section 18 of the Settlement Agreement, the Court should not waive any requirement under the Settlement Agreement that the Defendants pay late fees for withholding payments in violation of the Settlement Agreement schedule (Dkt. 228);

IT IS HEREBY ORDERED that Defendants are not required to pay a late fee to Plaintiffs. Although Plaintiffs provide numerous reasons for their two months delay in executing and recording powers of attorney in accordance with the Settlement Agreement, it was Plaintiffs' duty to complete all the steps necessary to comply with the Settlement Agreement within the ten day period stipulated to in the Settlement Agreement, and Plaintiffs did not fulfill that duty. Nevertheless, the Court does not endorse Defendants' unilateral withholding of payment owed to Plaintiffs under the Settlement Agreement. Accordingly, in the future, Defendants must seek Court approval in advance of withholding any payment due to Plaintiffs pursuant to the schedule delineated in the Settlement Agreement.

SO ORDERED.

Date: April 28, 2016
New York, NY


VALERIE CAPRONI
United States District Judge